

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, CANVASSING THE ELECTION RETURNS OF THE MAY 6, 2017 GENERAL ELECTION FOR THE PURPOSE OF ELECTING THE MAYOR AND TWO MEMBERS OF THE FRISCO CITY COUNCIL (PLACE NOS. 5 AND 6) TO FILL EXPIRING TERMS; DECLARING THE RESULTS OF THE GENERAL ELECTION; ORDERING A RUNOFF ELECTION TO BE HELD ON JUNE 10, 2017 FOR THE PURPOSE OF ELECTING A COUNCILMEMBER TO PLACE NO. 6; DESIGNATING EARLY VOTING POLLING PLACES AND HOURS; DESIGNATING ELECTION DAY POLLING PLACES AND HOURS; ORDERING NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW; APPOINTING THE COLLIN COUNTY ELECTIONS ADMINISTRATOR AND THE DENTON COUNTY ELECTIONS ADMINISTRATOR TO ADMINISTER THE RUNOFF ELECTION; PROVIDING FOR THE APPOINTMENT OF ELECTION JUDGES; AUTHORIZING THE MAYOR AND CITY SECRETARY TO TAKE ALL ACTIONS NECESSARY TO COMPLY WITH APPLICABLE ELECTION LAWS; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") duly authorized a general election to be held within the City of Frisco, Collin and Denton Counties, Texas ("Frisco") on May 6, 2017 ("General Election") for the purpose of electing the mayor and two members of the Frisco City Council (Place Nos. 5 and 6), with each such term being for a period of three years; and

WHEREAS, the General Election was administered by the Collin County Elections Administrator and the Denton County Elections Administrator; and

WHEREAS, the Collin County Elections Administrator and the Denton County Elections Administrator have made the return of the General Election results and delivered them to the City Council in the time and manner required by law; and

WHEREAS, the Collin County returns lawfully submitted to the City Council and filed with the City Secretary are set forth in Exhibit A and incorporated herein for all purposes; and

WHEREAS, the Denton County returns lawfully submitted to the City Council and filed with the City Secretary are set forth in Exhibit B and incorporated herein for all purposes; and

WHEREAS, the City Council finds that the General Election was duly called; that notice of the General Election was given in accordance with the law and City Charter; that the General Election was held in accordance with the law and City Charter; that the General Election returns were duly and legally made and delivered; and that there were cast at the General Election valid and legal votes; and

WHEREAS, the City Council finds and declares that the meeting at which this Ordinance is considered is open to the public as required by law, and that the public notice of the time, place and purpose of the meeting was given as required by Chapter 551 of the Texas Government Code, as amended; and

WHEREAS, the City Council, having canvassed the combined early voting and election day accumulated totals for the General Election, finds that the votes cast result in the following:

MAYOR

	<u>Votes</u>	<u>Percentage (%)</u>
BOB ALLEN	6,405	46.34 %
JEFF CHENEY	7,416	53.66 %

CITY COUNCIL, PLACE 5

	<u>Votes</u>	<u>Percentage (%)</u>
CHRIS KING	3,959	34.76%
TIM H. NELSON	7,432	65.24%

CITY COUNCIL, PLACE 6

	<u>Votes</u>	<u>Percentage (%)</u>
JASON ABATI	1,040	8.51%
RUI ZHANG	1,321	10.82%
BRIAN LIVINGSTON	5,268	43.13%
K.D. WARACH	1,935	15.84%
BOBBY ROBERTI	2,650	21.70%

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Election Results. The returns of the General Election as set forth herein are declared to be official. Accordingly, Jeff Cheney is hereby declared elected Mayor. Tim H.

Nelson is hereby declared elected to City Council Place No. 5. No candidate for City Council Place No. 6 received a majority of the votes cast. Accordingly, a runoff election must be called for City Council Place No. 6 under Texas law and the City Charter.

SECTION 3: Approval of Elections Results. It is hereby declared that the City Council approves and accepts the results of the General Election as set forth in the returns attached hereto as Exhibit A and Exhibit B, as determined by the majority vote of the qualified voters of Frisco.

SECTION 4: Runoff Election Ordered. No one individual received a majority of votes as a result of the General Election, and in conformity with Texas law and the City Charter, the City Council hereby calls a Runoff Election to be held in and throughout Frisco on June 10, 2017, for City Council Place No. 6 between the following candidates:

Brian Livingston
Bobby Roberti

(“Runoff Election”). The Runoff Election shall be administered by the Collin County Elections Administrator and the Denton County Elections Administrator. The Collin County Elections Administrator shall administer the Runoff Election for the Collin County portion of Frisco, and the Denton County Elections Administrator shall administer the Runoff Election for the Denton County portion of Frisco. Frisco voters shall vote in the county in which they are registered.

SECTION 5: Early Voting for Runoff Election.

Collin County Voters: Early voting by personal appearance shall be available at: Collin College, Preston Ridge Campus, 9700 Wade Blvd., Frisco, Texas 75034; Fire Station No. 8, 14700 Rolater Rd., Frisco, Texas 75035; Maus Middle School, 12175 Coit Rd., Frisco, Texas 75035; Hunt Middle School, 4900 Legendary Dr., Frisco, Texas 75034; or the Collin County Elections Office, 2010 Redbud Blvd., #102, McKinney, Texas 75069, which is designated as the main early voting polling place. Early voting will begin on Tuesday May 30, 2017, and continue through Tuesday, June 6, 2017, during the normal working hours of 8:00 a.m. to 5:00 p.m., with extended voting hours on Thursday, June 1, 2017 from 8:00 a.m. to 7:00 p.m.; Saturday, June 3, 2017 from 8:00 a.m. to 5:00 p.m.; Monday, June 5, 2017 from 7 a.m. to 7 p.m.; and Tuesday, June 6, 2017 from 7 a.m. to 7 p.m. Applications for ballots by mail shall be requested from and mailed to the Collin County Elections Office, Attn. Bruce Sherbet, Elections Administrator, 2010 Redbud Blvd. #102, McKinney, Texas 75069, bsherbet@co.collin.tx.us. Applications for ballots by mail must be received no later than the close of business on May 30, 2017.

Collin County voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administrator. This previous sentence shall also be posted in the Notice of Election. Early voting times and locations are subject to change.

Denton County Voters: Early voting by personal appearance shall be available at: Fire Station No. 4, 4485 Cotton Gin Road, Frisco, Texas 75034; Fire Station No. 7, 330 W. Stonebrook Parkway, Frisco, Texas 75034; Griffin Middle School, 3703 Eldorado Parkway, Frisco, Texas 75033; or the Denton County Elections Office, 701 Kimberley Drive, Denton, Texas 76208, which

is designated as the main early voting polling place. Early voting will begin on Tuesday May 30, 2017, and continue through Tuesday, June 6, 2017, during the normal working hours of 8:00 a.m. to 5:00 p.m., with extended voting hours on Saturday, June 3, 2017 from 8:00 a.m. to 5:00 p.m.; Monday, June 5, 2017 from 7 a.m. to 7 p.m.; and Tuesday, June 6, 2017 from 7 a.m. to 7 p.m. Applications for ballots by mail shall be requested from and mailed to the Denton County Elections Office, Attn: Frank Phillips, Elections Administrator, 701 Kimberley Drive, Denton, Texas 76208, frank.phillips@dentoncounty.com. Applications for ballots by mail must be received no later than the close of business on May 30, 2017.

Denton County voters may vote at any of the additional Early Voting locations open under full contract services with the Denton County Elections Administrator. The previous sentence shall also be posted in the Notice of Election. Early voting times and locations are subject to change.

SECTION 6: Election Day Voting for Runoff Election.

Collin County Voters: Election Day voting by personal appearance shall be at the following locations, and any of the additional Election Day Vote Centers open under full contract services with the Collin County Elections Administrator, from 7:00 a.m. to 7:00 p.m.

City Precinct No.	Collin County Precinct No.	Address
2	30, 92, 111, 177	Hunt Middle School 4900 Legendary Dr. Frisco, Texas 75034
3	134, 212	Maus Middle School 12175 Coit Rd. Frisco, Texas 75035
7	101, 117, 118, 127, 146	Collin College, Preston Ridge Campus 9700 Wade Blvd. Frisco, Texas 75034
8	87	Fire Station No. 8 14700 Rolater Rd. Frisco, Texas 75035

Denton County Voters: Election Day voting by personal appearance shall be at the following locations, according to voter precincts, from 7:00 a.m. to 7:00 p.m.:

City Precinct No.	Denton County Precinct No.	Address
1	1028, 1029, 1030, 1031, 1040	Griffin Middle School 3703 Eldorado Parkway Frisco, Texas 75033
4	1035	Tom Hicks Elementary School 3651 Compass Drive Frisco, Texas 75034
5	1036, 2028	Fire Station No. 7 330 W. Stonebrook Parkway Frisco, Texas 75034
6	1032, 1033, 1034	Fire Station No. 4 4485 Cotton Gin Road Frisco, Texas 75034

SECTION 7: Voting Equipment and Materials for Runoff Election. Direct Record Electronic (DRE) voting machines shall be used in the Runoff Election for early voting by personal appearance and election day voting. Optical-scan ballots shall be used for early voting by mail.

SECTION 8: Runoff Election to Comply with Applicable Laws. The City Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with the conduct of this Runoff Election. The Runoff Election and notice of the Runoff Election shall be conducted in accordance with the Texas Election Code and other applicable law, and all qualified and registered voters of Frisco shall be eligible to vote at the Runoff Election.

SECTION 9: Appointment of Election Judges for Runoff Election. Upon the receipt of recommendations from the City Secretary and/or the Collin County Elections Administrator and Denton County Elections Administrator, the City Council shall appoint the early voting and election day voting judges. In the event that the appointed judges are unable to execute or complete their duties for any reason, the City Secretary and/or the Collin County Elections Administrator and Denton County Elections Administrator may identify alternate judges that the City Council shall appoint as soon as possible.

SECTION 10: Authority of Mayor and City Secretary. The Mayor and the City Secretary, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code and any other state or

federal law in carrying out and conducting the Runoff Election, whether or not expressly authorized herein.

SECTION 11: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 12: Savings/Repealing. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 13: Effective Date. This Ordinance shall become effective from and after its adoption.

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DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, on this 16th day of May, 2017.

Maher Maso, Mayor

**ATTESTED AND
CORRECTLY RECORDED:**

Jenny Page, City Secretary

APPROVED AS TO FORM:



Abernathy, Roeder, Boyd & Hullett, P.C.
Ryan D. Pittman, City Attorneys

Dates of Publication: _____, *Frisco Enterprise*

Exhibit A
Collin County Certified Election Results

STATE OF TEXAS

§

**CANVASS OF THE
CITY OF FRISCO
ELECTION**

COUNTY OF COLLIN

§

MAY 6, 2017

I, Bruce Sherbet, the undersigned Elections Administrator of Collin County, do hereby certify that I have made an actual check and comparison of all the ballots tabulated as voted with the Return Sheets, and the unused ballots as recorded on the Register of Official Ballots. I, therefore, make the following report of my findings from the May 6, 2017, City of Frisco Election that was held in Collin County, Texas.

I hereby certify the results to be a full, true and correct tabulation, audit and count of the votes cast in the said election.

WITNESS, my hand on this the 12th day of May 2017.

A handwritten signature in black ink, appearing to read "Bruce Sherbet", written over a horizontal line.

Bruce Sherbet
Elections Administrator
Collin County

Election Summary Report
Collin County, Texas
General and Special Elections
May 6, 2017

Date:05/11/17
Time:12:44:08
Page:1 of 1

Summary For Jurisdiction Wide, All Counters, Frisco City
Early Voting and Election Day Combined Accumulated Totals
44 of 44 Vote Centers Reporting

Registered Voters 531652 - Cards Cast 7391 1.39%

Num. Report Precinct 214 - Num. Reporting 214 100.00%

Frisco Mayor		(110)
	Total	
Number of Precincts	12	
Precincts Reporting	12	100.0 %
Vote For	1	
Times Counted	7391/51907	14.2 %
Total Votes	7157	
Times Blank Voted	234	
Times Over Voted	0	
Number Of Under Votes	0	
Bob Allen	3765	52.61%
Jeff Cheney	3392	47.39%

Frisco Council P5		(120)
	Total	
Number of Precincts	12	
Precincts Reporting	12	100.0 %
Vote For	1	
Times Counted	7391/51907	14.2 %
Total Votes	5828	
Times Blank Voted	1563	
Times Over Voted	0	
Number Of Under Votes	0	
Chris King	2122	36.41%
Tim H. Nelson	3706	63.59%

Frisco Council P6		(130)
	Total	
Number of Precincts	12	
Precincts Reporting	12	100.0 %
Vote For	1	
Times Counted	7391/51907	14.2 %
Total Votes	6269	
Times Blank Voted	1122	
Times Over Voted	0	
Number Of Under Votes	0	
Jason Abati	447	7.13%
Rui Zhang	870	13.88%
Brian Livingston	2615	41.71%
K. D. Warach	1057	16.86%
Bobby Roberti	1280	20.42%

Exhibit B
Denton County Certified Election Results

Please accept the following as my certification on the two reports listed above:

I, Frank Phillips, Elections Administrator of Denton County, Texas, hereby certify that the Canvass Report and Cumulative Report are true and correct copies of the unofficial election results from the May 6, 2017 Election.

Frank Phillips, CERA

Cumulative Report — Unofficial

Denton County — 2017 May General and Special Elections — May 06, 2017

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Total Number of Voters : 40,143 of 418,204 = 9.60%

Number of District Voters: 6,795 of 37,686 = 18.03%

Precincts Reporting 148 of 148 = 100.00%

District Precincts Reporting 11 of 11 = 100.00%

Party	Candidate	Absentee		Early		Election		Total	
Frisco Mayor, Vote For 1									
	Bob Allen	38	51.35%	1,730	39.90%	872	38.69%	2,640	39.62%
	Jeff Cheney	36	48.65%	2,606	60.10%	1,382	61.31%	4,024	60.38%
	Cast Votes:	74	97.37%	4,336	98.01%	2,254	98.21%	6,664	98.07%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	2	2.63%	88	1.99%	41	1.79%	131	1.93%
Frisco City Council, Place 5, Vote For 1									
	Chris King	24	36.36%	1,158	31.89%	655	35.10%	1,837	33.02%
	Tim H. Nelson	42	63.64%	2,473	68.11%	1,211	64.90%	3,726	66.98%
	Cast Votes:	66	86.84%	3,631	82.08%	1,866	81.31%	5,563	81.87%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	10	13.16%	793	17.92%	429	18.69%	1,232	18.13%
Frisco City Council, Place 6, Vote For 1									
	Jason Abati	14	20.00%	358	9.25%	221	11.03%	593	9.97%
	Rui Zhang	9	12.86%	245	6.33%	197	9.83%	451	7.59%
	Brian Livingston	23	32.86%	1,749	45.18%	881	43.96%	2,653	44.63%
	K. D. Warach	9	12.86%	575	14.85%	294	14.67%	878	14.77%
	Bobby Roberti	15	21.43%	944	24.39%	411	20.51%	1,370	23.04%
	Cast Votes:	70	92.11%	3,871	87.50%	2,004	87.32%	5,945	87.49%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	6	7.89%	553	12.50%	291	12.68%	850	12.51%



OFFICIAL TABULATION

MAY 06, 2017 JOINT GENERAL ELECTION

(CIUDAD DE FRISCO TABULACIÓN OFICIAL DEL 06 DE MAYO 2017, CONJUNTA GENERAL ELECCIÓN)

**REPORTING IS FINAL
(INFORME ES FINAL)**

CANDIDATES & POSITION	EARLY VOTES	ELECTION DAY VOTES	TOTAL VOTES	%
CANDIDATOS & POSICIONA	TEMPRANO	DIA deELECCIONES	SUMA	
<u>MAYOR - ALCALDE</u>				
BOB ALLEN	4,085	2,320	6,405	46.34%
JEFF CHENEY	4,744	2,672	7,416	53.66%
TOTAL VOTES - SUMA	8,829	4,992	13,821	100.00%
<u>CITY COUNCIL PLACE 5- EL LUGAR de AYUNTAMIENTO 5</u>				
CHRIS KING	2,442	1,517	3,959	34.76%
TIM H. NELSON	4,903	2,529	7,432	65.24%
TOTAL VOTES - SUMA	7,345	4,046	11,391	100.00%
<u>CITY COUNCIL PLACE 6- EL LUGAR de AYUNTAMIENTO 6</u>				
JASON ABATI	603	437	1,040	8.51%
RUI ZHANG	765	556	1,321	10.82%
BRIAN LIVINGSTON	3,514	1,754	5,268	43.13%
K. D. WARACH	1,250	685	1,935	15.84%
BOBBY ROBERTI	1,764	886	2,650	21.70%
TOTAL VOTES - SUMA	7,896	4,318	12,214	100.00%

*** The top two candidates will participate in a Runoff on June 10, 2017**

Registered Voters	89,369
Collin County	51,683
Denton County	37,686
Total Ballots Cast	14186
Collin County	7391
Denton County	6795
Voter Turnout	15.87%
Collin County	14.30%
Denton County	18.03%

updated 5/13/17 @ 7:59pm